



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
CIVIL RIGHTS

The Honorable Jacqueline A. Berrien
Chair
U.S. Equal Employment Opportunity Commission
1801 L Street, NW
Washington, DC 20507

Dear Madam Chair:

I am pleased to send you the enclosed copy of the U.S. Environmental Protection Agency's (EPA) Fiscal Year 2010 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174.

This report provides information regarding the number of cases arising under the respective areas of law cited in the No FEAR Act where discrimination was alleged; the amount of money required to be reimbursed by EPA to the Judgment Fund in connection with such cases; the number of employees disciplined for discrimination, retaliation, harassment or any other infractions of any provision of law referred to under the Act; an analysis of trends and knowledge gained; and accomplishments.

An identical letter has been sent to each entity designated to receive this report as listed in Section 203 of the No FEAR Act. The U.S. Attorney General and the Director of the U.S. Office of Personnel Management will also be sent a copy of the report.

If you have any questions, please contact me or your staff may call Ronald Ballard, Assistant Director of the Office of Civil Rights, at (202) 564-7956.

Sincerely yours,

A handwritten signature in black ink that reads "Rafael DeLeon". The signature is fluid and cursive.

Rafael DeLeon
Director

Enclosure



OFFICE OF CIVIL RIGHTS

U.S. ENVIRONMENTAL PROTECTION AGENCY

Fiscal Year 2010

Annual Report to Congress
Pursuant to the
Notification and Federal Employee
Antidiscrimination and Retaliation
Act of 2002

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I. EXECUTIVE SUMMARY

The U.S. Environmental Protection Agency (EPA or Agency) provides its Annual Report to Congress as required by Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174. As required, this report includes information related to the number of cases in Federal court pending or resolved in fiscal year (FY) 2010 and, in connection with those cases, their disposition; reimbursement(s) to the Judgment Fund; and the number of employees disciplined and the nature of the disciplinary action taken.

During FY 2010, there were a total of 11 cases pending before Federal courts. Among these cases, there were 10 claims of violations of Title VII; 4 claims of violations of the Rehabilitation Act; and 3 claims of violations of the Age Discrimination in Employment Act. Of the 11 cases noted above, 1 resulted in judgment being granted in favor of EPA at the U.S. District Court level. In another case, the U.S. Court of Appeals affirmed a lower court's dismissal of the case. The remaining 9 cases are proceeding at different stages of the pre-trial and trial processes. During FY 2010, the Agency was not required to reimburse the Judgment Fund for any of the cases reported above.

There were no disciplinary actions taken in connection with any federal case pending or resolved in FY 2010 brought under applicable provisions of federal anti-discrimination laws and/or Whistleblower Protection laws; or for any conduct that was inconsistent with these laws or for conduct that constituted any prohibited personnel practice.

II. BACKGROUND

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," or, as it is more commonly known, the No FEAR Act. One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." Public Law 107-174, Summary. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Public Law 107-174, Title I, General Provisions, section 101(1).

Section 203 of the No FEAR Act requires that each Federal agency submit an annual Report to Congress not later than 180 days after the end of each fiscal year. Agencies must report on the number of Federal court cases pending or resolved in each fiscal year and arising under each of the respective areas of law specified in the Act in which discrimination or retaliation was alleged. In connection with those cases, agencies must report the status or disposition of the cases; the amount of money required to be reimbursed to the judgment fund; and the number of employees disciplined. Agencies must also report on any policies implemented related to appropriate disciplinary actions against a Federal employee who discriminated against any individual, or committed a prohibited personnel practice; any employees disciplined under such a policy for conduct inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws; and an analysis of the data collected with respect to trends, causal analysis, and other information.

The Act imposes additional duties upon Federal agency employers intended to reinvigorate their longstanding obligation to provide a work environment free of discrimination and retaliation. The additional obligations contained in the No FEAR Act can be broken down into five categories:

- A Federal agency must reimburse the Judgment Fund for payments made to employees, former employees, or applicants for Federal employment because of actual or alleged violations of Federal employment discrimination laws, Federal whistleblower protection laws, and retaliation claims arising from the assertion of rights under those laws.
- An agency must provide annual notice to its employees, former employees, and applicants for Federal employment concerning the rights and remedies applicable to them under the employment discrimination and whistleblower protection laws.
- At least every two years, an agency must provide training to its employees, including managers, regarding the rights and remedies available under the employment discrimination and whistleblower protection laws.
- Quarterly an agency must post on its public website summary statistical data pertaining to EEO complaints filed with the agency.

The President delegated responsibility to the Office of Personnel Management (OPM) for issuance of regulations governing implementation of Title II of the No FEAR Act. OPM published final regulations on the reimbursement provisions of the Act on May 10, 2006; final regulations to carry out the notification and training requirements of the Act were published on July 20, 2006; and the final regulations to implement the reporting and best practices provisions of the No FEAR Act on December 28, 2006. The Equal Employment Opportunity Commission (EEOC) published its final regulations to implement the posting requirements of Title III of the No FEAR Act on August 2, 2006. The EPA has prepared this report based on the provisions of the No FEAR Act in accordance with OPM and EEOC's final regulations.

III. DATA

a. Civil Cases

Section 203(a)(1) of the No FEAR Act requires that agencies include in their Annual Report "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged."

Section 724.302 of OPM's final regulations on reporting and best practices clarifies section 203 (1) of the No FEAR Act stating that agencies report on the "number of cases in Federal Court [district and appellate] pending or resolved... arising under each of the respective provisions of the Federal Antidiscrimination laws and Whistleblower Protection Laws applicable to them... in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved."

During FY 2010, there were a total of 11 cases pending before Federal courts. Among these cases, there were 10 claims of violations of Title VII; 4 claims of violations of the Rehabilitation Act; and 3 claims of violations of the Age Discrimination in Employment Act.

Of the 11 cases noted above, 1 resulted in judgment being granted in favor of EPA at the U.S. District Court level. In another case, the U.S. Court of Appeals affirmed a lower court's dismissal of the case. The remaining 9 cases are proceeding at different stages of the pre-trial and trial processes.

b. Reimbursement to the Judgment Fund

During FY 2010, the Agency was not required to reimburse the Judgment Fund for any of the cases reported above.

c. Disciplinary Actions (5 C.F.R. § 724.302 (a)(3) & (5))

There were no employees disciplined in FY 2010 in connection with any cases described in paragraph (a) above, or for any other conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes prohibited personnel practices.

d. Final Year-End Data Posted Under Section 301(c)(1)(B)

The final year-end data posted pursuant to section 301(c)(1)(B) of the No FEAR Act is included in Appendix 1.

The final year-end data indicates that during FY 2010, there were 71 new administrative complaints of discrimination filed by 64 employees or applicants for employment. Within the total inventory of 187 complaints, EPA's Office of Civil Rights (OCR) conducted 110 pre-complaint counselings; 70 investigations; and closed 76 cases including 13 dismissals and 19 final agency decisions. There were no findings of discrimination in FY 2010.

FY 2010 complaint totals can be found in their entirety at Appendix 1 of this report.

e. Policy Description on Disciplinary Actions (5 C.F.R. § 724.302(a)(6))

In FY 2009, EPA Administrator Lisa P. Jackson signed a new Agency EEO policy that set forth her vision for an effective EEO program and a workplace free of discrimination, harassment, and reprisal. This Policy can be found in Appendix 3. During FY 2010, she reaffirmed her commitment to an effective EEO program in a 2010 EEO Policy. The 2010 EPA EEO Policy can be found at Appendix 4. Also during FY 2010, OCR drafted an official Agency policy on harassment. This policy is pending final review and concurrence, and will be issued in 2011. Until the new policy is finalized, we continue to operate under the existing harassment policy, which can be found in Appendix 2.

All EPA supervisors and management officials are responsible for taking appropriate corrective actions for which they have been delegated authority and for recommending to higher level officials disciplinary action considered appropriate in other cases. EPA's policies and procedures for taking disciplinary action are contained in EPA Order 3110.6B, *Adverse Actions*, EPA Order 3120.1B, *Conduct and Discipline*, EPA Order 3120.2, *Conduct and Discipline Senior Executive Service* and in the applicable collective bargaining agreements. Actions in response to findings of discrimination may range from informal corrective actions such as a written warning to more formal disciplinary actions such as a suspension without pay or removal.

Additionally, OCR's standard operating plan for the redress of allegations of discrimination provides for a prompt, fair, and impartial review and adjudication of any allegation of discrimination, further demonstrating the Agency's commitment to equal employment opportunity principles and practices in all of our management decisions and personnel practices.

f. No FEAR Act Training Plans (5 C.F.R. § 724.302 (a)(9))

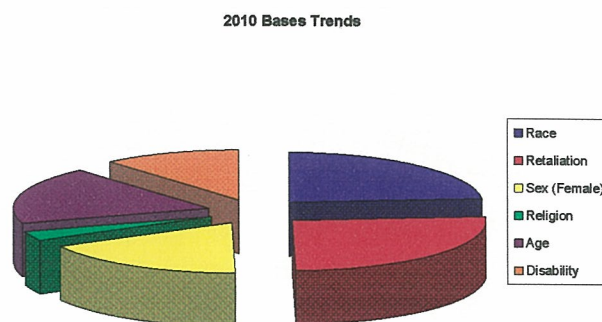
In FY 2010 OCR updated and revised the Agency No FEAR on-line training to include a more in depth training module of the rights and responsibilities of employees and managers under the Act and to increase the difficulty of the test questions. OCR effected these changes to ensure that employees gained tangible and significant information from the training course. As of December 31, 2010, 97% of Agency employees completed the updated training.

IV. ANALYSIS OF TRENDS, CAUSAL ANALYSIS AND PRACTICAL KNOWLEDGE GAINED THROUGH EXPERIENCE (5 C.F.R. § 724.302 (a)(7))

At the conclusion of FY 2010, the Agency saw an 11% decrease in number of new complaints filed and a 9% decrease in the number of complainants compared to FY 2009. The bases of alleged discrimination most often raised were: (1) retaliation; (2) race; and (3) age. Additionally, EPA saw an overall 22% decrease in the number of complaints filed on the basis of age between FY 2009 and FY 2010.

Taken as a whole, the percentage of complainants in the Agency, .34% for FY 2010, is lower than the government-wide percentage of .54%. Over the past five years, EPA's number of complainants by percentage of workforce has ranged from 0.30% to 0.44%.

The 71 EEO complaints filed at EPA in FY 2010 contained 47 allegations of retaliation, 40 allegations of race discrimination, and 30 allegations of age discrimination. The FY 2010 EEO complaint activity at EPA remained relatively consistent with respect to the bases alleged as compared to FY 2009. The data does not show any significant increase in complaints filed on certain bases of discrimination, when considering the aggregate size of the workforce.



EPA completed investigations for complaints pending during FY 2010 with an average processing time of 223 days, up from 218 days in FY 2009, and slightly above the Government-wide average of 215 days. EPA's average processing time for all complaint closures increased from 236 days in FY 2009, to 518 days, above the Government-wide average of 404 days, in FY 2010. The Agency found that, on average, complaints where a hearing was requested took 737 days to reach closure. Complaints where settlement was deemed appropriate took an average of 448 days to reach closure and complaints where a Final Agency Decision (FAD) was issued took, on average, 418 days to reach closure. We partially attribute this increase in processing time to the marked loss in staff within OCR, including 40% of staff assigned to writing FADs, as well as 33% of the legal staff assigned to assist with Title VII cases within the EPA Office of General Counsel Civil Rights and Finance Law Office. As a whole, it has taken the Agency longer to issue Final Agency Actions and come to settlement agreements. We are currently working with the Office of Human Resources to back fill these positions, and anticipate increasing OCR staff during FY 2011.

Through experience gained over the last ten years, EPA will continue to apply a wealth of practical knowledge towards ensuring accountability, compliance with merit systems principles, and an impartial complaint-processing system.

V. ADJUSTMENTS TO BUDGET (5 C.F.R. § 724.302(a)(2)(ii))

During FY 2010, the Agency was not required to reimburse the Judgment Fund for any of the cases reported above.

VI. ACTIONS PLANNED OR TAKEN TO IMPROVE COMPLAINT OR CIVIL RIGHTS PROGRAMS (5 C.F.R. § 724.302 (a)(7)(iv))

In an effort to improve our civil rights programs, EPA hired an independent consulting firm to conduct a comprehensive review and program evaluation to determine how effectively OCR is meeting its mission and regulatory mandates. The study will provide a broad review of OCR's structure, staff and functions, and analyze strengths and weaknesses. It will also provide benchmarking data gathered from the civil rights offices of other Federal agencies. This study was completed in March 2011 and we will implement all appropriate recommendations throughout the remainder of FY 2011.

As planned during FY 2009, OCR's Employment Complaints Resolution Staff (ECRS) attended quarterly technical training related to writing acceptance and dismissal letters and conducting thorough investigations. Staff also received training on conducting legal research using Westlaw and CyberFeds.

We continue to modify our Statements of Work for procurement of EEO contractors, to include more stringent requirements as well as penalties for failure to adhere to investigative quality and timeliness expectations. We anticipate widening our pool of qualified contractors as we terminate relationships with those firms that have historically not produced timely, high-quality investigations.

We also continue to post all No FEAR statistics on the OCR website on a quarterly basis, and have members of staff attend monthly new hire orientations to ensure that all new employees are notified of the rights and remedies applicable to them under the employment discrimination and whistleblower protection laws.

ACCOMPLISHMENTS UPDATE

The EPA has worked towards meeting the goals of this important legislation as indicated in the actions highlighted below.

Policy Development

- (1) **Policy on the Reassignment of an Employee with a Qualified Disability-** During FY 2010, the Agency implemented a new policy to ensure that reassignment is considered as a reasonable accommodation whenever appropriate.
- (2) **Evaluating Supervisory Performance-** Elements of the Senior Executive Service (SES) performance standard 'flow down' to subordinate managers and supervisors. Further, this standard contemplates that each manager monitors the work environment to prevent discrimination and harassment, and takes timely action if harassment or other discriminatory treatment is observed, reported, or suspected. During FY 2011, we anticipate drafting performance standards for all EPA managers and supervisors to address expectations of compliance with the Agency's EEO objectives.

Employee Awareness and Training

During FY 2010 EPA provided extensive training to its EEO staff on a variety of topics including, but not limited to, the following:

- EEO law;
- EEO complaint process;
- Conflict resolution communication skills;
- Reasonable accommodations for employees with disabilities; and
- Topic specific training for the EEO intake staff/counselors and officers.

Initiatives

During 2010, the EPA participated in the Workforce Recruitment Program (WRP) for College Students with Disabilities. This is an on-line database recruitment and referral program that connects Federal sector hiring managers and employers nationwide with highly motivated post-secondary students and recent graduates with disabilities. These students are seeking summer internships or permanent positions in the Federal sector. The database contains resumes for over 1,800 of the nation's top college students with disabilities. These students were screened and interviewed by professional recruitment specialists and have been evaluated based on their experience and interviews. The program is co-sponsored by the U.S. Department of Labor (DOL), Office of Disability Employment Policy (ODEP) and the

Department of Defense (DOD). EPA participated actively in the program, including sending recruiters to colleges and universities across the country and hiring WRP students as EPA employees over the summer and in the permanent workforce.

Diversity, Special Emphasis, and Special Observance Programs

EPA has continued to maintain strong programs in FY 2010 for the employment, advancement, and retention of a diverse Federal workforce. These programs included initiatives to: strengthen partnerships with academic institutions and special emphasis community groups; outreach and recruitment events to provide potential civil service recruits with information on locating and applying for EPA jobs; and encouraging the use of various recruitment flexibilities to tap into diverse talent pools. EPA also regularly conducted special observance programs at headquarters and regional offices designed to provide information and foster appreciation for individuals of different cultures and experiences.

EPA completed and submitted its FY 2010 Management Directive 715 report to the EEOC in a timely manner, and the agency is working aggressively to continue to build and sustain a Model EEO Program.

APPENDIX 1**Equal Employment Opportunity Data Posted
Pursuant to Title III of the No FEAR Act****Data as of September 31 - End of Fiscal Year 2010**

Complaint Activity	Comparative Data Previous Fiscal Year Data					
	2005	2006	2007	2008	2009	2010
Number of Complaints Filed in Fiscal Year	69	80	66	80	80	71
Number of Complainants	65	60	58	73	71	64
Repeat Filers	8	12	6	1	8	7

Complaints by Basis	Comparative Data Previous Fiscal Year Data					
	2005	2006	2007	2008	2009	2010
Race	34	36	34	41	35	40
Color	12	5	9	15	9	16
Religion	2	0	2	2	1	5
Retaliation	59	59	37	41	35	47

Sex	39	31	21	29	39	28
National Origin	18	14	9	10	8	14
Equal Pay Act	2	0	1	0	0	0
Age	21	30	29	29	38	30
Disability	25	24	19	17	26	23
Non EEO Bases	0	0	0	0	0	0

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					
	2005	2006	2007	2008	2009	2010
Appointment/Hire	0	1	0	0	0	2
Assignment of Duties	8	7	6	15	7	17
Awards	6	6	2	6	2	7
Conversion to Full-Time	1	0	0	1	0	0
Disciplinary Action						
Demotion	2	1	0	1	0	0
Reprimand	5	3	3	2	3	2
Suspension	0	3	3	0	2	2
Removal	0	2	0	0	1	0

Other	0	2	0	0	0	4
Duty Hours	0	0	0	0	0	1
Evaluation Appraisal	8	15	13	17	9	15
Examination/Test	1	0	0	0	0	0
Harassment						
Non-Sexual	32	42	30	31	38	35
Sexual	1	1	0	1	0	1
Medical Examination	0	1	0	0	0	0
Pay (Including Overtime)	5	3	4	3	2	4
Promotion/Non-Selection	22	28	25	29	25	24
Reassignment						
Denied	4	6	3	1	0	4
Directed	2	2	2	4	2	6
Reasonable Accommodation	7	12	7	4	5	2
Reinstatement	0	0	1	0	0	0
Retirement	0	1	0	0	1	0
Termination	6	1	4	4	7	4
Terms/Conditions of Employment	15	11	15	10	9	16
Time and Attendance	8	12	10	12	7	7
Training	5	6	5	7	7	7
Other	0	0	1	0	0	0

Processing Time	Comparative Data Previous Fiscal Year					
	2005	2006	2007	2008	2009	2010
Complaints Pending During Fiscal Year						
Average Number of Days in Investigative Stage	143	203	239	226	218	223
Average Number of Days in Final Action Stage	458	185	194	202	162	157
Complaints Pending During Fiscal Year Where Hearing Was Requested						
Average Number of Days in Investigation Stage	250	246	264	241	206	206
Average Number of Days in Final Action Stage	0	32	112	54	80	17
Complaints Pending During Fiscal Year Where Hearing Was Not Requested						

Average Number of Days in Investigation Stage	143	175	216	197	226	248
Average Number of Days in Final Action Stage	458	306	280	305	236	304

Complaints Dismissed by Agency	Comparative Data Previous Fiscal Year Data					
	2005	2006	2007	2008	2009	2010
Total Complaints Dismissed by Agency	33	20	11	6	13	13
Average Days Pending Prior to Dismissal	143	135	168	75	99	182
Complaints Withdrawn by Complainants						
Total Complaints Withdrawn by Complainants	5	4	9	8	3	2

Total Final Actions Finding Discrimination	Comparative Data Previous Fiscal Year Data					
	2005	2006	2007	2008	2009	2010
Total Number Findings	0	0	2	1	0	0
Without Hearing	0	0	0	0	0	0
With Hearing	0	0	2	1	0	0

Findings of Discrimination Rendered by Basis	Comparative Data Previous Fiscal Year Data											
	2005		2006		2007		2008		2009		2010	
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings												
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	0	0.00	0	0.00	2	100	1	100	0	0.00	0	0.00
Race	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Retaliation	0	0.00	0	0.00	2	66	0	0.00	0	0.00	0	0.00
Sex	0	0.00	0	0.00	1	33	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	1	100	0	0.00	0	0.00

Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Disability	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data											
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings	2005		2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%	#	%
Findings After Hearing	0	0.00	0	0.00	0	0.00	1	100	0	0.00	0	0.00
Race	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Retaliation	0	0.00	0	0.00	2	66	0	0.00	0	0.00	0	0.00
Sex (Includes Equal Pay Act)	0	0.00	0	0.00	1	33	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	1	100	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Age	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Disability	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data											
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings	2005		2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%	#	%
Findings Without Hearing	0	0	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Race	0	0	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Color	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Religion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Retaliation	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Sex	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
National Origin	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Equal Pay Act	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Age	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Disability	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-EEO	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Findings of Discrimination Rendered by Issues	Comparative Data Previous Fiscal Year Data											
	2005		2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number of Findings	0	0.00	0	0.00	2	100	1	100	0	0.00	0	0.00
Appointment/Hire	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Assignment of Duties	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Awards	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Conversion to Full-Time	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Disciplinary Action												
Demotion	0	0.00	0	0.00	1	25	0	0.00	0	0.00	0	0.00
Reprimand	0	0.00	0	0.00	0	0.00	1	50	0	0.00	0	0.00
Suspension	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Removal	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Other	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Duty Hours	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Evaluation Appraisal	0	0.00	0	0.00	1	25	0	0.00	0	0.00	0	0.00
Examination/Test	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Harassment	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-Sexual	0	0.00	0	0.00	1	25	1	50	0	0.00	0	0.00

Sexual	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Medical Examination	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Pay (Including Overtime)	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Promotion/Non-Selection	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reassignment	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Denied	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Directed	0	0.00	0	0.00	1	25	0	0.00	0	0.00	0	0.00
Reasonable Accommodation	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reinstatement	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Retirement	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Termination	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Terms/Conditions of Employment	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Time and Attendance	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Training	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Other	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Findings of Discrimination Rendered by Issues	Comparative Data Previous Fiscal Year Data											
	2005		2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%	#	%
Findings After Hearing	0	0.00	0	0.00	2	100	1	100	0	0.00	0	0.00
Appointment/Hire	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Assignment of Duties	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Awards	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Conversion to Full-Time	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Disciplinary Action												
Demotion	0	0.00	0	0.00	1	16.7	0	0.00	0	0.00	0	0.00
Reprimand	0	0.00	0	0.00	0	0.00	1	50	0	0.00	0	0.00
Suspension	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Removal	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Other	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Duty Hours	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Evaluation Appraisal	0	0.00	0	0.00	1	16.7	0	0.00	0	0.00	0	0.00
Examination/Test	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Harassment	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-Sexual	0	0.00	0	0.00	2	33	1	50	0	0.00	0	0.00
Sexual	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Medical Examination	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Pay (Including Overtime)	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Promotion/Non-Selection	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reassignment	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Denied	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Directed	0	0.00	0	0.00	1	16.7	0	25	0	0.00	0	0.00
Reasonable Accommodation	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reinstatement	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Retirement	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Termination	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Terms/Conditions of Employment	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Time and Attendance	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Training	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Other	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Findings of Discrimination Rendered by Issues	Comparative Data Previous Fiscal Year Data											
	2005		2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%	#	%
Findings Without Hearing	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Appointment/Hire	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Assignment of Duties	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Awards	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Conversion to Full-Time	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Disciplinary Action												
Demotion	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reprimand	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Suspension	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Removal	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Other	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Duty Hours	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Evaluation Appraisal	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Examination/Test	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Harassment	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Non-Sexual	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Sexual	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Medical Examination	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Pay (Including Overtime)	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Promotion/Non-Selection	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reassignment	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Denied	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Directed	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reasonable Accommodation	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Reinstatement	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Retirement	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Termination	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Terms/Conditions of Employment	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Time and Attendance	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Training	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
Other	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00

Pending Complaints Filed in Previous Years by Status		Comparative Data Previous Fiscal Year Data				
Complaint Activity	2005	2006	2007	2008	2009	2010
Total Complaints from previous Fiscal Years	129	27	20	23	54	55
Total Complainants	111	23	19	21	48	49
Number of Complaints Pending						
In Investigation	0	1	1	1	2	0
In Hearing	32	15	8	18	34	31
Final Action	15	11	10	4	16	24
Appeal with EEOC Office of Federal Operations	30	28	18	13	16	19
		Comparative Data Previous Fiscal Year Data				

Complaint Investigations	2005	2006	2007	2008	2009	2010
Pending Complaints Where Investigation Exceeds Required Time Frames	6	19	14	19	42	37

APPENDIX 2

MEMORANDUM- Policy Statement on Prohibition of Sexual Harassment

SUBJECT: Policy Statement on Prohibition of Sexual Harassment

TO: All Employees

Our Agency is committed to maintaining a work environment governed by responsible, efficient, and ethical management. To ensure such a commitment, we all need to know the policies and guidelines prohibiting sexual harassment. Any behaviors which weaken our ability to lead and manage our people and programs are unacceptable in our work place.

Sexual harassment is a prohibited personnel practice contrary to merit system principles outlined in the Civil Service Reform Act of 1978 and contrary to law outlined in Title VII of the Civil Rights Act of 1964. Specifically, sexual harassment is deliberate, or repeated, unsolicited verbal comments, gestures, or physical contacts of a sexual nature which are unwelcome. Such sexual advances, requests for sexual favors, and other harassment when: (1) they are made explicitly or implicitly a condition of an individual's employment; (2) submission to, or rejection of them, affects employment decisions impacting an individual, such as promotion or work assignments; or (3) they unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive work environment.

Any behavior which undermines the integrity of the employment relationship, impairs morale or interferes with employee productivity is a violation of ethical conduct in our Agency.

This memorandum constitutes the official policy regarding sexual harassment at the Environmental Protection Agency. We all share in the responsibility to promote a climate free from sexual harassment.

/s/ Carol M. Browner

Issued: June 1, 1993

APPENDIX 3

2009 Equal Employment Opportunity (EEO) Policy Statement

Memorandum

FROM: Administrator Lisa P. Jackson

TO: All EPA Employees

I believe that there is no higher calling than public service, and that there is no more important work in public service than the pursuit of civil equity. Our credibility and efficacy in the area of EEO is inextricably linked to our integrity and impartiality. In a sense, our capacity to protect human health and the natural environment depends on the protection of the workforce and the vindication of workforce rights, and we are duty bound to protect the rights of all employees, without bias or favoritism. To these ends, EPA must always strive to foster a work environment where the principles of EEO are willingly embraced and diversity is valued and understood. Maintaining a world class public service workforce requires strategic efforts to tap into the intellectual capital of our global economy. The 2000 Census shows major shifts in the demographic profile of the population we serve and the labor force from which we recruit. It is predicted that within the next 30 years, no single racial or ethnic group will comprise the majority of the nation's population. Clearly, changes associated with our increasingly pluralistic society bring concurrent opportunities and challenges.

Guiding Principle

EPA will be fully committed to the principles of EEO, equity, and diversity in the workplace and adhere to the policy of ensuring equal employment opportunity, prohibiting unlawful discrimination, retaliation and harassment in all its forms, and promoting diversity and inclusiveness.

Definition(s)

Equal Employment Opportunity (EEO) refers to the set of laws and policies that mandate all individuals' rights to equal opportunity in the workplace. The unequivocal protection of these fundamental civil rights in the workplace is the cornerstone of our American democracy and the foundation upon which diversity can thrive.

Diversity refers to the human qualities that are different from our own and those of groups to which we belong; but are manifested in other individuals and groups. Dimensions of diversity include but are not limited to: age, ethnicity, gender, physical abilities/qualities, race, sexual orientation, educational background, geographic location, socioeconomic status, marital status, military experience, religious beliefs, political beliefs and ideologies.

Diversity management, in contrast, is a proactive and appropriate response to the changing profile of our world. It is imperative that we recognize that in order to be relevant in the global

economy of the 21st century, the Agency must recruit, develop, and retain a world class workforce that reflects the many dimensions of the society it serves. Based on the empirical correlation between workforce diversity and high performing organizations, a strong business case can be made for diversity.

Affirmation

I wish to affirm that no employee will be denied equal opportunity because of race, color, religion, sex, national origin, age, disability, status as a parent, sexual orientation, marital status, protected genetic status or prior EEO activity (reprisal). Individually, and collectively as an Agency, we must:

- ensure that all programs to recruit, hire, train, develop, promote, reward, and discipline employees are conducted in a fair and consistent manner on the basis of merit. Each employee will be regarded fairly and treated with dignity and respect.
- maintain a work environment free from unlawful discrimination, reprisal and harassment. To do otherwise is simply not an option. It is totally unacceptable and will not be tolerated. Managers and supervisors will continually be held accountable for their responsibility to identify and correct discriminatory policies, practices and behaviors and for taking prompt and appropriate action to ensure that the work environment is free of unlawful discrimination, reprisal and/or harassment.
- provide reasonable accommodations for qualified applicants and employees with disabilities.
- seek to resolve workplace conflicts in a prompt, impartial, confidential, nondiscriminatory, and constructive manner, and without fear of reprisal. Every employee is encouraged to use the Alternative Dispute Resolution (ADR) process as a valuable tool in resolving workplace disputes and complaints of discrimination; and when appropriate, managers and supervisors shall fully participate in the ADR process.
- educate managers, supervisors, and employees of their rights and responsibilities under Federal law. Equal opportunity is good business and it is the law. I expect all managers, supervisors, and employees to carry out their duties accordingly.

Conclusion

I expect EPA to continue to maintain policies that allow all employees to work in an environment that is free from discrimination, reprisal, and harassment.

It is my vision that EEO and diversity management are separate but symbiotic functions essential to the success of the EPA as a high performing organization. Together, these functions create synergy and transform our organization into one in which the whole is greater than the sum of singular entities. We are strengthened by our diversity, and empowered by our commitment to effective EEO.

APPENDIX 4

MEMORANDUM

SUBJECT: 2010 Equal Employment Opportunity Policy Statement

TO: All Employees

I am reaffirming my commitment to the principles of equal employment opportunity and diversity in the workplace for the U.S. Environmental Protection Agency's employees and job applicants. The EPA must continue to attract, develop, and retain a highly skilled, diverse work force to meet the demands of our mission to protect human health and the natural environment. The EPA must be fully committed to promoting and maintaining a workplace that ensures equality of opportunity for everyone, regardless of her or his race, color, religion, sex, national origin, age, disability, status as a parent, sexual orientation, protected genetic information, prior EEO activity and marital status.

Our managers and supervisors must lead by example to ensure the workplace is free from discrimination, hostility, intimidation, reprisal and harassment. We all have a role to play, and each of us must be committed to treating one another with dignity, respect and professionalism. I ask you to help me create a work environment that embraces our individual differences and gives everyone full consideration for employment opportunities, including hiring, promotions and training, regardless of his or her protected status.

Our vision of One EPA can be realized only if we respect and honor the differences that every employee brings from her or his background. I am confident that, as we move forward, all of us will work toward protecting and advancing the principles of EEO.

I offer my sincerest thanks to all of you for your dedication to the EPA and for the excellent work you do every day to protect the American people and our environment. None of it would be possible without the diversity of experiences and ideas that each of you brings to our agency.

/s/

Lisa P. Jackson

Administrator